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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,444	06/29/2001	Shingo Ohkawa	1185.1059	6356
21171	7590	01/25/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, DILINH P	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,444

Applicant(s)

OHKAWA, SHINGO

Examiner

DiLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 5-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Claims 1-4 in the reply filed on 11/5/04 is acknowledged. The traversal is on the ground(s) that claim 1 is generic; therefore, withdrawal of the restriction requirement and examination of all of claims 1-16 is respectfully requested. This is not found persuasive because:

Claims 1-4 are directed to light guide plate;

Claims 5-10 and 14 are directed to a surface light source device with a direction modifying member disposed along the emission face.

Claims 11-13 and 15-16 are directed to a liquid crystal with a liquid crystal display panel.

a) The above three different classifications show the need for three entirely different fields for a search.

b) The inventions are in different statutory classes which have different case law basis for examination.

c) Non-restriction would mean that if one of the inventions were held to be unpatentable then the other would also be inherently held to be unpatentable.

Therefore, restriction is proper since there are apparently three different inventive concepts in making the device and in the device itself.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

Claim 3 is objected to because of the following informalities:

In line 1 of claim 3, replace "ridge" with "ridge portion".

Appropriate correction is required.

Drawings

Figures 1a-3b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,485,157.

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Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of U.S. Patent No. 6,485,157 merely broadens the claims of the present application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Applicant's Admitted Prior Art [AAPA] (fig. 1a-3b).

AAPA (figs. 1a-3b) discloses a light guide plate comprising:

two major faces to provide an emission face 3 and a back face 4 (fig. 1a); and
an incidence end face 12 for introducing light (fig. 2),

wherein the back face 14 (fig. 2) is provided with a great number of projection like micro reflectors 20 for direction conversion of light, each of which has a guiding portion and a conversion output portion that includes a ridge portion 25 (fig. 3b) and a pair of first and second reflection surfaces (23 and 24) formed on both sides of the ridge portion respectively as to be inclined with respect to a general plane representative of the back face 14 (fig. 2);

the ridge portion 25 and the first and second reflection surfaces 23 and 24 forming a valley in each of the micro reflectors 20,

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the valley getting narrower and shallower (fig. 3a, page 6, lines 20-25) as being distant from the guiding portion 25 so that an inner input light reaching the valley via the guiding portion 25 is reflected by one of the first and second reflection surfaces 23-24 and is further reflected by the other of the first and second reflection surfaces 23-24 as to produce an inner output light having a main propagation direction that is inclined with respect to a frontal direction in a plane perpendicular to the incidence end face 12 so as to get remote from the incidence end face 12 (figs. 2, 3a-3b and page 6, lines 19 et seq.).

- Regarding claim 2, AAPA discloses that the first and second reflection surfaces 23-24 are different from each other in inclination angle with respect to the general plane representative of the back surface 14 (figs. 2, 3b, page 6, lines 20-22).
- Regarding claim 3, AAPA discloses that the ridge portion 25 extends in a direction according to a direction distribution that depends on position on the back face 14 (fig. 3a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DiLinh Nguyen whose telephone number is (571) 272-1712. The examiner can normally be reached on 8:00AM - 6:00PM (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDN



**HOAI PHAM
PRIMARY EXAMINER**